

# REQUEST FOR COUNCIL ACTION

MEETING

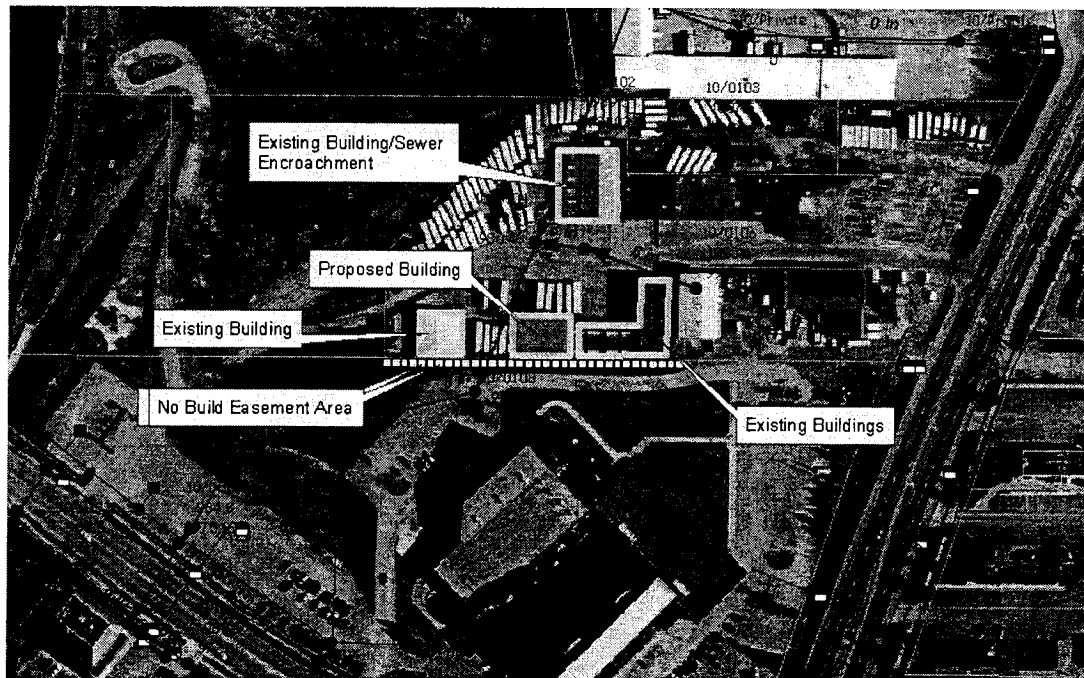
DATE: 11/03/03

<b>AGENDA SECTION:</b> CONSENT AGENDA	<b>ORIGINATING DEPT:</b> Public Works	<b>ITEM NO.</b> D-24
<b>ITEM DESCRIPTION:</b> Revocable Permit for No-Build Permit & Footing on City Lands for Rochester City Lines.	<b>PREPARED BY:</b> M. Nigbur	

Rochester City Lines has requested the City issue a revocable permit for the placement of footings partially on the Recreation Center property, issue a "no build" to allow Rochester City Lines to construct building abutting their property line, and to allow a continuation of use of a building constructed over the City's sanitary sewer line all of which are found at the Rochester City Line Property on TH 63.

Staff has reviewed the request and would recommend in favor of granting a Revocable Permit. The owners have executed a Revocable Permit which includes the standard language for revocation and liability protection for the City. The following specific conditions also apply to the permit:

- 1 The footings are allowed to encroach no more than 4.00 feet onto the City's Property.
- 2 Permittee may encroach into the sanitary sewer easement area for the previously constructed building over the existing sanitary sewer line
- 3 City agrees to grant a 10.00 feet wide "no build" permit abutting the southerly property line
  - a) The "no build" permit shall be valid only until such time as the City determines it needs this area for its own uses that may conflict with the intent of the "no build" permit
  - b) In the event City determines the "no build" permit is no longer valid the Owner shall either move the building (s) or fire proof building (s) to standards then in effect at the time of the revocation of the no build permit.
  - c) The "no build" permit shall automatically expire upon the transfer of the City property to any part which is not a governmental entity.



## **COUNCIL ACTION REQUESTED:**

Authorize the Mayor and City Clerk to execute the revocable permit to allow the placement of footings, granting of the "no build Permit", and allowing the existing building over the sewerline.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_